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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,439	02/10/2004	Tsutomu Matsuda	K-2142	1697

7590 09/06/2007  
HAUPTMAN KANESAKA BERNER PATENT AGENTS, LLP  
Suite 310  
1700 Diagonal Road  
Alexandria, VA 22314

EXAMINER
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CONLEY, SEAN EVERETT

ART UNIT	PAPER NUMBER
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1744

MAIL DATE	DELIVERY MODE
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09/06/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/774,439

Applicant(s)

MATSUDA ET AL.

Examiner

Sean E. Conley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 6/21/2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 5-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of group I, claims 1-4 in the reply filed on June 12, 2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Claims 5-11 are withdrawn from consideration for being directed to a non-elected invention.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, claim 3 recites the limitation "the cleaning step" in line 15. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102/103***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2 are rejected under 35 U.S.C. 102(a) as anticipated by Matsuda et al. (JP 2003-053326) as evidenced by Applicant's admitted prior art or, in the alternative, under 35 U.S.C. 103(a) as obvious over Matsuda et al. (JP 2003-053326) in view of the Applicant's admitted prior art.

Note: A machine translation has been relied upon below for the content of the Japanese Application to Matsuda et al. (JP 2003-053326). A copy of the machine translation has been attached to this office action.

Regarding claims 1 and 2, Matsuda et al. disclose a process for sterilizing infectious waste water wherein the method comprises the steps of water supply, heating/sterilization, drainage, and cleaning (see machine translation paragraphs [0013]-[0034]). The water supply step consists of an initial pump feeding step and an inherent vacuum suction step (resulting from the negative pressure formed by the cleaning step as evidenced by the Applicant's disclosure of the prior art – see page 4, lines 7-22 of the specification). The pump feeding step is a step wherein the infectious waste water pooled in a raw water tank is suctioned and supplied to a tank body (see machine translation paragraphs [0018], [0024], [0029]), and the inherent vacuum

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suction step is a step wherein infectious waste water remaining in the raw water tank after the cleaning step is vacuum suctioned into the tank body which is rendered negative in pressure by the cleaning step, and is used in place of the pump feeding step or in combination with the pump feeding step. The heating/sterilization step is a step wherein the heat of the steam is passed through the wall surface of the tank body, allowed to act on infectious waste water suctioned into the tank body of a sterilization tank, thus attaining sterilization of the infectious waste water (see machine translation paragraphs [0017], [0023], [0030]). The drainage step is a step wherein heated and sterilized waste water is discharged from the tank body (see machine translation paragraphs [0019], [0028], [0033]), and the cleaning step is a step wherein washing water is showered to the tank body of the sterilization tank after a drainage step to clean the tank body (see paragraphs [[0020], [0027], [0034]).

In the event that Matsuda et al. does not disclose with sufficient specificity the vacuum suction step, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the negative pressure formed from the cleaning step to suction remaining infectious waste water into the tank body as evidenced by the Applicant's admission regarding the prior art cleaning step in the process of Matsuda et al. (see page 4, lines 7-22 of the specification).

7. Claims 3-4 are rejected under 35 U.S.C. 102(a) as being anticipated by Matsuda et al. (JP 2003-053326).

Note: A machine translation has been relied upon below for the content of the Japanese Application to Matsuda et al. (JP 2003-053326). A copy of the machine translation has been attached to this office action.

Regarding claims 3 and 4, Matsuda et al. disclose a process for sterilizing infectious waste water in a sterilization tank on the basis of indirect heating. The method comprises steps of water supply, heating/sterilization, and drainage (see machine translation paragraphs [0013]-[0034]). The sterilization tank consists of a tank body receiving infectious waste water and a heating part that steam-heats the tank body externally (see machine translation paragraphs [0016]). The water supply step is a step wherein infectious waste water is supplied into the tank body by a pump feeding step. The pump feeding step is a step wherein infectious waste water pooled into a raw water tank is suctioned and supplied to the tank body (see machine translation paragraphs [0018], [0024], [0029]). The heating/sterilization step is a step wherein the heat of the steam fed into a heating part is passed through the wall surface of the tank body and allowed to act on infectious waste water, thus attaining sterilization of infectious waste water (see machine translation paragraphs [0017], [0023], [0030]). The drainage step is a step wherein heated and sterilized wastewater is discharged from the tank body (see machine translation paragraphs [0019], [0028], [0033]).

Furthermore, Matsuda et al. disclose that the tank body is filled with waste water (exemplified by the full of water check - see translation paragraph [0047]) to be heat treated and thus, the water level formed by supplying infectious waste water into the tank body in the water supply step is positioned higher than the upper limit of the

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heating part which heats the tank body since the entire tank is filled with water (see machine translation paragraphs [0046]-[0049]). Additionally, the infectious waste water supplied into the tank body is indirectly heated with steam, and subjected to the heating/sterilization step, while convecting inside the tank body (see machine translation paragraphs [0035]-[0037]). The entire tank body that is heated up to high temperatures, such as 121 degrees C, which are higher than the drying temperatures of infectious waste water during the heating/sterilization step, is submerged into the infectious waste water (the tank body being completely filled with water and thus the interior is submerged), thus preventing drying of solids contained in the infectious waste water (see machine translation paragraphs [0046]-[0049]).

### ***Conclusion***

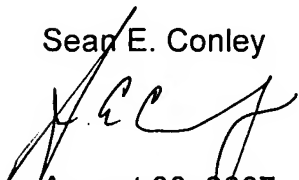
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean E. Conley whose telephone number is 571-272-8414. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sean E. Conley



August 30, 2007